

THE HONORABLE BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

T.B., a minor child, by and through his duly
appointed Litigation Guardian Ad Litem,

Plaintiff,

v.

NATIONAL RAILROAD PASSENGER
CORPORATION d/b/a AMTRAK, a District
of Columbia corporation; WASHINGTON
STATE DEPARTMENT OF
TRANSPORTATION, an Agency of the State
of Washington; and, CENTRAL PUGET
SOUND REGIONAL TRANSIT
AUTHORITY d/b/a SOUND TRANSIT, a
local government entity in the State of
Washington,

Defendants.

Case No. 2:18-cv-01298-BHS

**STIPULATED MOTION TO
DISMISS WITHOUT PREJUDICE**

**NOTE ON MOTION CALENDAR:
OCTOBER 25, 2018**

The parties to this lawsuit jointly request that the Court enter the accompanying order dismissing this matter in its entirety, without prejudice, and without an award of fees or costs to any party. Plaintiffs intend to re-file this action at a later date and stipulate that they only will re-file the action in federal court for the Western District of Washington.

TB, now 17 years old, sustained injuries in the Amtrak Train 501 derailment near Dupont, Washington on December 18, 2017. TB has been at Craig Hospital in Denver for several months undergoing a new and intensive rehabilitation program. Progress has been made and his rehabilitation program has been extended to the end of this year and possibly beyond. Plaintiff's

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counsel believes it is not possible to accurately evaluate TB's damages presently because the extent of his disability remain uncertain. TB's case was previously filed and voluntarily dismissed without prejudice earlier this year (Cause No. 2:18-cv-0071-RSM). Given TB's ongoing rehabilitation, the parties stipulate that this case can again be dismissed without prejudice.

DATED this 25th day of October 2018.

SIMON H. FORGETTE, P.S.

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Court Appointed Guardian Ad Litem for
Plaintiff TB

CERTIFICATE OF SERVICE

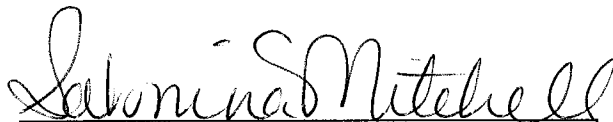
Pursuant to RCW 9A.72.085, the undersigned certifies under penalty of perjury under the laws of the State of Washington, that on the 25th day of October 2018, the document attached hereto was presented to the Clerk of the Court for filing and uploading to the CM/ECF system. In accordance with their ECF registration agreement and the Court's rules, the Clerk of the Court will send e-mail notification of such filing to the following persons:

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and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

DATED this 25th day of October 2018.


Sabrina Mitchell